

AMENDED IN ASSEMBLY AUGUST 15, 2002

AMENDED IN SENATE MAY 15, 2002

AMENDED IN SENATE APRIL 11, 2002

SENATE BILL

No. 1642

Introduced by Senator Soto

February 21, 2002

An act to amend Section 2586 of the Business and Professions Code, relating to nutrition.

LEGISLATIVE COUNSEL'S DIGEST

SB 1642, as amended, Soto. Nutrition.

Existing law authorizes a registered dietitian and certain other nutritional professionals to provide specified services relating to medical nutrition therapy upon referral by a health care provider. The services include the ordering of laboratory tests related to nutritional therapeutic treatments and the accepting or transmitting of verbal or electronically transmitted orders from a health care provider to implement medical nutrition therapy. Existing law specifies that these services may be offered for individuals or groups of patients in licensed institutional facilities or in private office settings.

This bill would recast these provisions with respect to the ordering of medical laboratory tests and accepting and transmitting orders. The bill would also change the requirements with respect to the ordering of medical laboratory tests in a clinic where a registered nurse is on duty. *The bill would also include a person licensed under the Chiropractic Initiative Act in the definition of health care provider for purposes of these provisions.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2586 of the Business and Professions
2 Code is amended to read:
3 2586. (a) Notwithstanding any other provision of law, a
4 registered dietitian, or other nutritional professional meeting the
5 qualifications set forth in subdivision (e) of Section 2585 may,
6 upon referral by a health care provider authorized to prescribe
7 dietary treatments, provide nutritional and dietary counseling,
8 conduct nutritional and dietary assessments, and develop
9 nutritional and dietary treatments, including therapeutic diets, for
10 individuals or groups of patients in licensed institutional facilities
11 or in private office settings. The referral shall be accompanied by
12 a written prescription signed by the health care provider detailing
13 the patient's diagnosis and including a statement of the desired
14 objective of dietary treatment, unless a referring physician and
15 surgeon has established or approved a written protocol governing
16 the patient's treatment. The services described in this subdivision
17 may be termed "medical nutrition therapy."
18 (b) A registered dietitian, or other nutritional professional
19 meeting the qualifications set forth in subdivision (e) of Section
20 2585, may accept or transmit verbal orders or electronically
21 transmitted orders from the referring physician consistent with an
22 established protocol to implement medical nutrition therapy.
23 (c) A registered dietitian, or other nutritional professional
24 meeting the qualifications set forth in subdivision (e) of Section
25 2585, may order medical laboratory tests related to nutritional
26 therapeutic treatments when authorized to do so by a written
27 protocol prepared or approved by the referring physician and
28 when, in the absence of the referring physician at a patient visit,
29 in a clinic where there is a registered nurse on duty, a registered
30 nurse is notified that a medical laboratory test is being ordered and
31 is afforded an opportunity to assess the patient.
32 (d) (1) Notwithstanding any other provision of law, a dietetic
33 technician, registered meeting the qualifications set forth in
34 Section 2585 may, under the direct supervision of a registered
35 dietitian, assist in the implementation or monitoring of services



1 specified in subdivision (a), but may not develop nutritional or
2 dietary therapy or treatments or accept or transmit verbal orders.

3 (2) (A) For purposes of this subdivision, “direct supervision”
4 means the supervising registered dietitian shall be physically
5 available to the dietetic technician, registered for consultation
6 whenever consultation is required. However, in the case of a small
7 or rural hospital, as defined in Section 124840 of the Health and
8 Safety Code, the registered dietitian may be available for
9 consultation by telephone or other electronic means, provided that
10 the registered dietitian is physically on the facility site a sufficient
11 amount of time to provide adequate supervision over and review
12 of the work of the dietetic technician, registered.

13 (B) For purposes of this subdivision, “physically available”
14 means physical onsite presence during regular business hours, and
15 includes telephonic or electronic availability at all times and the
16 ability to respond to the facility within a reasonable period of time
17 when required. The registered dietitian shall review any activities
18 performed by the dietetic technician, registered during any period
19 when the registered dietitian was not physically onsite.

20 (3) For purposes of this subdivision, a registered dietitian shall
21 not supervise more than two dietetic technicians, registered at one
22 time.

23 (e) It is a misdemeanor for a person specified in subdivision (e)
24 of Section 2585 to practice in a manner inconsistent with the
25 requirements set forth in this section.

26 (f) Nothing in this section shall preclude a person specified in
27 subdivision (e) of Section 2585 from providing information as
28 permitted by Section 2068.

29 (g) For purposes of this section, “health care provider” means
30 any person licensed or certified pursuant to this division, or
31 licensed pursuant to the Osteopathic Initiative Act *or the*
32 *Chiropractic Initiative Act*.

33 (h) The requirement of a written prescription shall be deemed
34 to be satisfied by an entry in the patient records of a patient who
35 is undergoing treatment at a licensed health care facility if the
36 contents of the patient records reflect the information required by
37 this section.

38 (i) Nothing in this section or Section 2585 shall be interpreted
39 to establish educational criteria or practice restrictions or
40 limitations for other health care providers licensed under Division

- 1 2 (commencing with Section 500) or the Osteopathic Initiative Act
- 2 or the Chiropractic Initiative Act.

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